

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

RICHARD J. TESTA, JR., individually, and on
behalf of all others similarly situated,

Civil Action No. 07 CV 8320 (AKH)

Plaintiff,

- against -

MERRILL LYNCH, PIERCE, FENNER &
SMITH, INC., JOHN DOES 1-50 (said names
being fictitious individuals), and ABC
CORPORATIONS 1-50 (said names being
fictitious companies, partnerships, joint ventures
and/or corporations),

**FED. R. CIV. P. 7.1(a) DISCLOSURE
STATEMENT OF DEFENDANT
MERRILL LYNCH, PIERCE, FENNER
& SMITH INCORPORATED**

Defendants.

In accordance with Rule 7.1(a) of the Federal Rules of Civil Procedure, the undersigned counsel for Defendant, a non-governmental party, represents that Merrill Lynch, Pierce, Fenner & Smith Incorporated's parent corporation is Merrill Lynch & Co., Inc., and certifies that (a) Merrill Lynch & Co., Inc., a publicly held corporation, directly or indirectly owns 10% or more of the securities of Merrill Lynch, Pierce, Fenner & Smith Incorporated, and (b) no publicly held corporation owns more than 10% of the stock of Merrill Lynch & Co., Inc.

Dated: November 29, 2007
New York, New York

By: /s/ Lisa R. Norman
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